

OCT 31 2005

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

COLIN L. BOSBY,

Defendant - Appellant.

No. 04-10283

D.C. No. CR-03-05374-AWI

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Argued and Submitted October 21, 2005
San Francisco, California

Before: WALLACE, TROTT, and RYMER, Circuit Judges.

Colin Bosby pleaded guilty to one count of knowingly possessing sexually explicit materials involving sexual exploitation of minors in violation of 18 U.S.C. § 2252(a)(4)(B). He appeals the district court's imposition of a condition of his

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Cir. R. 36-3.

supervised release, and argues that his sentence should be vacated in light of *Blakely v. Washington*, 542 U.S. 296 (2004).

We grant a limited remand in accordance with *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).

However, the district court's imposition of a condition of supervised release to which Bosby interposed no objection, and in which he affirmatively acquiesced, is not plain error. *See United States v. Jordan*, 256 F.3d 922, 926 (9th Cir. 2001) (reviewing for plain error a challenge to sentencing that the defendant did not raise before the district court).

AFFIRMED IN PART; REMANDED IN PART.